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OCT 10 2003
Bureau of Indian Affairs
Fairbanks Field Office

NATIVE VILLAGE OF BARROW
INUPIAT TRADITIONAL GOVERNMENT

October 9, 2003

Sam Demientieff
BIA Fairbanks Agency
101 12th Avenue, Room 168
Fairbanks, Alaska 99701-6270

Dear Mr. Demientieff:

The President of NVB Council Percy Nusunginya had mailed out a Request for Secretarial Election to the Secretary of the Interior Gale A. Norton, on June 11, 2003 and we have not received a response on our request from her office. I may have had a misconception that we did not need to supply a copy of our request, since we are a on a self-governance compact. But I believe after reviewing

Therefore, I am sending a complete copy of what we had mailed to the Secretary of Interior, on June 10, 2003. Are there any guidelines on what the procedures are for requesting for a Secretarial Election? I would like to receive a copy of the procedures, so that I may follow them and how to get a response on the request.

If you have any questions, please feel free to call me at 852-4411 or email address aekowana@nvbarrow.net. Thanking you in advance for your cooperation.

Sincerely,

Alice Ekowana

Alice Ekowana
Tribal Operations Director

RECEIVED
BUREAU OF INDIAN AFFAIRS
OCT 16 2003
TRIBAL GOVERNMENT SERVICES
BIA AREA OFFICE

cc: Files

P.O. Box 1130 * Barrow, Alaska 99723 * Phone (907) 852-4411 or 1-800-478-4412 * Fax (907) 852-8844

NATIVE VILLAGE OF BARROW

[illegible] OF BARROW
TRADITIONAL GOVERNMENT

June 11, 2003

Gale A. Norton, Secretary
U.S. Dept. of Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Request for Secretarial Election

Dear Ms. Norton:

The Native Village of Barrow hereby requests pursuant to the attached Resolution 2003-09, that a Secretarial Election be held to adopt the proposed amendments to the Tribal Constitution and Bylaws.

The Native Village of Barrow is located in Barrow, Alaska. It is a federally recognized and is organized under an IRA Constitution and Bylaws adopted in 1940 pursuant to 15 U.S.C. §473a which permitted groups in Alaska to organize under the IRA. This constitution was amended by petition by the membership and was adopted by the NVB Council on August 16, 1999. The Native Village of Barrow is not located on a reservation. Its members reside on native townsite lots, Native allotments or fee lands in and around the Village of Barrow. The Village's headquarters are located on fee lands in Barrow. Members of the Native Village of Barrow have lived on the Arctic Slope since time immemorial.

Attached hereto is a resolution of the Tribal Council requesting the Secretarial Election. The Tribe believes that this resolution is sufficient to trigger the Secretarial review requirements of 25 U.S.C. §476 and §81.5.

Attached is a copy of the tribes membership roll. Membership is determined to the criteria set forth in our existing constitution, also attached.

We understand that under the statute and regulations the Secretary is to make a review of the proposed amendments in response to this formal request to determine whether the amendments are acceptable. Sec. 23 U.S.C. §476 (c) (3). We request technical assistance as provided for by statute if the amendments are deemed not acceptable. We also note that your guidelines indicate 184 days for review while the statute provides for a 60-day review period. We assume the statutory deadline will apply.

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Percy Nusunginya, President
Native Village of Barrow Council

Attachments:

Tribal Resolution 2003-09
Proposed Constitution
Current Constitution
Tribal Roll

NATIVE VILLAGE OF BARROW
INUPIAT TRADITIONAL GOVERNMENT #5

RESOLUTION NO. 99-2

A RESOLUTION REQUESTING THE SECRETARY OF THE INTERIOR TO REVIEW THE PROPOSED AMENDMENTS TO THE TRIBAL CONSTITUTION AND BY-LAWS

WHEREAS, the Native Village of Barrow is organized under the Indian Reorganization Act of 1934 as amended in 1936 to include Alaska Natives; and

WHEREAS, the Native Village of Barrow adopted its Constitution and By-Laws in 1940; and

WHEREAS, NVB finds that its Constitution and By-Laws need to be updated to incorporate changes in the law and to provide greater detail and clarity to the operation of the tribal government;

WHEREAS, on December 2, 1998, the Tribe forwarded to the Superintendent a request for a Secretarial election by Resolution 98-42;

WHEREAS, that resolution was returned by the Superintendent on the ground that it was incomplete;

WHEREAS, the Tribe believes its request was complete and restates its request that the Secretary act as provided for in the 25.U.S.C. §476;

NOW THEREFORE BE IT RESOLVED, the Native Village of Barrow requests the Secretary of the Interior to review the attached proposed amendments to the tribal constitution and by-laws and to call for a Secretarial election as provided for in 25.U.S.C. § 476(e) to determine of these amendments to the Constitution and By-Laws will be adopted by the tribal membership.

ADOPTED this 11th day of January, 1999 with a quorum presents, with a vote of YES 7 and NO 0.

ATTESTED BY:

President

Mrs. Elsie Itta, Secretary

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NATIVE VILLAGE OF BARROW
INUPIAT TRADITIONAL GOVERNMENT

CONSTITUTION AND BY-LAWS
OF THE
NATIVE VILLAGE OF BARROW
I.R.A. TRIBAL GOVERNMENT

PREAMBLE

We, the Inupiat (Eskimo) people of the Native Village of Barrow situated on aboriginal lands within the Arctic Slope Region of Alaska, having common bonds of heritage, customs, tradition, and language - all of which have been adapted for and have contributed over centuries for harmony, cooperation and survival - in order to promote our security and social welfare, to provide for exercise of inherent powers of self-government by an elected governing body, do hereby adopt this Constitution and By-Laws.

ARTICLE I – NAME

This organization shall be called the "Native Village of Barrow I.R.A. Tribal Government".

ARTICLE II – AUTHORITY OF GOVERNMENT

The authority of the tribal government established under this constitution shall extend to all persons, property and activities over which such authority may under federal law extend within boundaries of Barrow; provided that also included in the authority of the tribal government is authority for the management of wildlife resources and subsistence activities existing extraterritorially as provided for under national and international law, treaties, and agreements; provided further that this authority extends to Indian country within the Native Village of Barrow.

ARTICLE III – MEMBERSHIP

SECTION 1.

The base membership roll of the Village shall consist of all persons whose names appear on a list of individuals of Inupiat blood residing within the Native Village of Barrow I.R.A. Tribal Government or Associated with it, pursuant to the direction of the Secretary of the Interior. Any eligible person whose name may be entitled to appear on this list, but whose name for any reason does not, may make application for enrollment to the Governing Body of the Native Village of Barrow. A denial of enrollment may be appealed by the Aggrieved person to the Secretary of the Interior pursuant to 25 C.F.R. Part 42.

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SECTION 2.

All children of Inupiat listed on the membership roll shall be eligible for membership and shall be enrolled upon application. Application for enrollment of minors shall be made by the parent or Legal Guardian.

ARTICLE IV. - GOVERNING BODIES

SECTION 1.

The supreme Governing Body of the Native Village of Barrow shall be the General Council, composed of all Enrolled Members who are at least eighteen years of age.

SECTION 2.

In addition to the General Council, there shall be an elected Tribal Council composed of seven members. Tribal Council members shall be elected from the Village in accordance with Article VII of this constitution. A Tribal Council Member shall serve a term of three years or until his/her successor is duly installed. By Resolution, Five (5) Tribal Council Members shall be selected by the Tribal Council to be members of the Joint Tribal Council of the Inupiat Community of the Arctic Slope.

SECTION 3.

The Tribal Council shall elect, from within its own membership, a President, a Vice-President, a Secretary, a Treasurer, and Sergeant at Arms. A Tribal Council Officer shall serve a term of three years or until his/her successor is duly installed.

SECTION 4.

Vacancies on the Tribal Council shall be filled by a Village Member appointed by the Tribal Council. The replacement shall serve until the expiration of the term of vacated seat's term expires.

ARTICLE V – POWERS OF GOVERNING BODIES

SECTION 1.

ENUMERATED POWERS. THE NATIVE VILLAGE OF BARROW I.R.A. TRIBAL GOVERNMENT, THROUGH ITS GOVERNING BODIES, SHALL EXERCISE THE FOLLOWING POWERS:

A. To consult and negotiate with any Government or other Entity and include Contracts, Grants, Treaties or other Agreements on all matters within the jurisdiction of the Native Village of Barrow I.R.A. Tribal Government;

B. To employ Legal Counsel;

C. To Regulate, Manage, Lease or otherwise deal with village assets and to Prevent the Sale, Disposition, Lease or Encumbrance of Village Lands, Interest in lands or other assets without the consent of the village;

D. To charter subordinate Village Enterprises, Corporations, Associations, Commissions, Authorities, and other Entities;

E. To Administer, Protect and Preserve all wildlife and Natural Resources within the jurisdiction of the Village or in which Village has an interest, and to Regulate the exercise of all Tribal Rights with regard to such Wildlife or Natural Resources pursuant to applicable law;

F. To manage the Economic Affairs of the Village and to establish and operate such commercial ventures as it may deem to be for the benefit of the village;

G. To enact ordinances consistent with Article III of the this Constitution Regulating Future membership, Loss of Membership and Adoption of Members into the Native Village of Barrow I.R.A. Tribal Government;

H. To manage and exercise responsibility for all funds within the control of the Village, and to appropriate available Federal Funds for public business and governmental purposes, provided that such appropriations of Federal Funds are incorporated into and expended in conformity with an Annual Budgets, and provided further that the Tribal Council shall provide for adequate accounting of all Village Financial Transactions, and for Adequate Bonding of Officials and Employees who are directly responsible for the Receipt, Disbursement and Custody of Community Funds;

I. To assess fees and levy taxes for the payment of expenses for the provision of services to the village or to finance any public project which is deemed beneficial to the village;

J. To take actions that are necessary by the enactment of Codes, Ordinances or Resolutions or by any other means to carry into effect any of the Enumerated or Reserved Powers of the Village;

K. To establish rules of procedure for the conduct of village affairs by Ordinances Resolution Delegate to any Subordinate Entity, Committee, Officer or Employee any of the Powers and Duties contained herein, Preserving the Right to review all actions of those to whom such power has been delegated;

L. To encourage and Foster Inupiat Arts, Crafts, Culture and Traditions;

M. To maintain law and order, and to establish a Village Judicial System through the enactment of codes and ordinances subject to the approval of the Secretary of the Interior or his Authorized Representative; and

N. To promote and safeguard the General Health, Education, Safety, Welfare, and

National Security of the Members of the Native Village of Barrow I.R.A. Tribal Government.

ARTICLE VI. – BILL OF RIGHTS

SECTION 1.

All members of the Village shall enjoy without Hindrance Freedom of Worship, Conscience, Speech, Press, Assembly and Associations.

SECTION 2.

This Constitution and BY-LAWS shall not in any way alter, abridge or otherwise jeopardize the Rights and Privileges of the members of the Village as citizens of the State of Alaska or the United States.

SECTION 3.

The Individual Property Rights of any members of the Village shall not be altered, abridged or otherwise affected by the provisions of this Constitution and BY-LAWS.

SECTION 4.

Village Members shall have the Right to review Tribal Records at any reasonable time in accordance with procedures established by the Tribal Council.

SECTION 5.

The protections guaranteed to individual Village members by Indian Civil Rights Act, 25 U.S.C. § 1302, against actions of a tribe in exercising its powers of self-government, shall apply to members of the Native Village of Barrow.

ARTICLE VII – VILLAGE ELECTIONS

All Elections of Tribal Council members shall be conducted under an Election ordinance enacted by the Tribal Council. Such ordinance shall include, but not limited to, the following provisions: Secret balloting; Nomination of Candidates; Absentee Balloting; and a procedure for resolving election disputes. Adult members, Eighteen (18) years of Age or Older Shall Qualify as Voters, and if Elected, may hold office; provided no person convicted of a felony may qualify for office until pardoned or five (5) years have elapsed from completion of sentence.

ARTICLE VIII – SAVINGS CLAUSE AND REPEAL OF PREVIOUS CONSTITUTION

SECTION 1.

The Constitution and By-Laws of the Native Village of Barrow I.R.A. Tribal Government

approved by the Assistant Secretary of the Interior on May 23, 1939 are Hereby Repealed and Superceded by this Constitution and By-Laws.

SECTION 2.

All Ordinances and Resolutions heretofore enacted by the Native Village of Barrow shall Remain in full force and effect to the extent they are consistent with this Constitution and By-Laws.

ARTICLE IX – ADOPTION BY SECRETARIAL ELECTIONS

This Constitution shall become effective when it is ratified by a majority of the Qualified voters of the Village Voting at an Election called for that purpose by the Secretary of the Interior or his Designated Representative; provided, however, that at least thirty (30) percent of those entitled to vote shall vote.

ARTICLE X – AMENDMENTS TO CONSTITUTION

Amendments to this Constitution may be proposed by a majority vote of the Tribal Council and shall become effective when Approved by the Qualified Voters of the Village in the same manner as was this constitution.

NATIVE VILLAGE OF BARROW
INUPIAT TRADITIONAL
GOVERNMENT

BY-LAWS OF THE NATIVE VILLAGE OF BARROW I.R.A. TRIBAL GOVERNMENT

ARTICLE I – DUTIES OF OFFICERS

SECTION 1. PRESIDENT

The president shall be the chief executive officer of the Tribal Government, shall have general charge of the business affairs and properties of the Tribal Government and shall exercise general supervision over its other officers, employees and agents. He/she shall perform all duties incident to the office of the President, shall have full power to vote and shall see that all resolutions and enactment of the General Council and Tribal Council are carried into effect. The President may sign or otherwise enter into contracts and agreements on behalf of the Tribal Government when specifically authorized to do so by appropriate enactment of the General Council or Tribal council; but shall have no power to contract on behalf of the Tribal Government unless specifically so authorized. The President shall use his/her own discretion in determining the activities that will further the purpose of the Tribal Government. He/she shall preside at all meetings of the General Council and Tribal Council and his/her supervision over the affairs of the Tribal Government shall be subject to review of these governing bodies which may, by majority vote, overrule his/her decision. The President shall have absolute discretion in all artistic matters affecting the Tribal Government. The President shall also submit an annual report of the operations of the General Council to the Tribal membership at the Annual Village Meeting.

SECTION 2. VICE-PRESIDENT

The Vice-President shall, in the absence of the President, perform the duties and exercise the powers of the President, and shall generally assist the President and perform such other duties as from time to time may be assigned by the President, the Tribal Council, or the General Council.

SECTION 3. SECRETARY

The Secretary shall give, or cause to be given, Notice of all regular and special meetings of the General Council and the Tribal Council. He/she shall keep a record of the enrolled membership of the Native Village of Barrow and shall keep the minutes of the meetings of the Tribal Council and the General Council; he/she shall send copies of the minutes of all meetings of the Tribal Council. The Secretary shall maintain possession of the Tribal Seal, and shall see that the book reports, statements and all other documents required by law are properly kept and filed. He/she

shall perform other duties as may be assigned to him/her from time to time by the President, the Tribal Council, or the General Council.

SECTION 4. TREASURER

The Treasurer shall have the custody of tribal funds and other valuable effects, shall keep full and accurate accounts of receipts and disbursements and books belonging to the tribal government and shall deposit monies and other valuable effects in the name and to the credit of the Tribal Government in such depositories as may be designated by the Tribal Council. He/she shall disperse the funds of the Tribal Government in such depositories as may be designated by the Tribal Council. He/she shall disperse the funds of the Tribal Government working in close cooperation with the President, as may be ordered by the Tribal Council, taking proper vouchers for such disbursements, and shall render to the Tribal Council and the General Council on a periodic basic and account of all his/her transaction as Treasurer and of the financial conditions of the Tribal Government. He/she shall perform such other duties as may be assigned to him/her from time to time by the President, the Tribal Council, or the General Council.

ARTICLE II CONDUCT OF MEETING

SECTION 1.

All meetings shall be conducted in accordance with Inupiaq custom and tradition.

SECTION 2.

Order of Business:

1. Call to Order
2. Roll Call
3. Adoption of Minutes
4. Reports
5. Unfinished Business
6. New Business
7. Adjournment

ARTICLE III MEETINGS OF THE TRIBAL COUNCIL

SECTION 1.

The Tribal Council shall meet regularly, at least, once a month, on a day and at a time, established by the Tribal Council.

SECTION 2.

Special Meetings of the Tribal Council shall be called when requested by the President or by four (4) members of the Tribal Council.

SECTION 3.

Four (4) members of the Tribal Council shall constitute a quorum, for the conduct of business, at all Tribal Council meetings.

ARTICLE IV – ANNUAL VILLAGE MEETING

SECTION 1.

A village meeting of the General Council shall be held at least once each year. Public notice of such meeting shall be given not less than ten (10) days or more than sixty (60) days in advance of such meeting date.

SECTION 2.

A minimum of 25 persons of the current enrolled membership shall be necessary to constitute a quorum for the conduct of business at such annual village meeting.

SECTION 3.

At the annual village meeting, the Tribal Council shall report on its actions and accomplishments of the past year and review its plans for the coming year.

SECTION 4.

Special meetings of the General Council shall be called by the President when a request to that effect is made by 25 or more persons of the current enrolled membership.

ARTICLE V – VILLAGE ENACTMENT'S

SECTION 1. ORDINANCES

All final decisions on matters of general and permanent interest to members of the community shall be embodied in ordinances such as an enrollment ordinance or an election ordinance. Such enactment shall be available for inspection by members of the Village during normal office hours.

SECTION 2. RESOLUTION AND MOTIONS

All final decisions on matter of short term or one time interest where a formal expression is needed shall be embodied in Resolutions. Other decisions of a temporary nature or relating to particular individuals, officials, or committees shall be put in the form of motions and noted in the minutes of the meeting and shall be available for inspection by members of the Village during normal office hours.

SECTION 3.

All ordinance and resolutions of the Tribal Council shall be dated and numbered and shall include a certification showing the presence of a quorum and the number of members voting for or against the proposed enactment.

ARTICLE VI– AMENDMENTS TO BY-LAWS

These By-Laws may be amended by a majority vote of the General Council at any duly called regular or special meeting of the General Council.